

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85919298
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION (no change)	
ARGUMENT(S)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_206169242254-200252690_.Request_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\192\85919298\xml9\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\192\85919298\xml9\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\192\85919298\xml9\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\192\85919298\xml9\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\192\85919298\xml9\RFR0006.JPG
DESCRIPTION OF EVIDENCE FILE	Request for Reconsideration and Receipt for Petition for Cancellation
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	YAKUB HAZZARD ROBINS, KAPLAN, MILLER & CIRESI L.L.P. 2049 CENTURY PARK E STE 3400 LOS ANGELES California (CA) US 90067-3208
NEW CORRESPONDENCE SECTION	
NAME	YAKUB HAZZARD
FIRM NAME	ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

STREET	2049 CENTURY PARK E STE 3400
CITY	LOS ANGELES
STATE	California
ZIP/POSTAL CODE	90067-3208
COUNTRY	United States
PHONE	310-552-0130
EMAIL	yhazard@rkmc.com;wwlew@rkmc.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Wesley W. Lew/
SIGNATORY'S NAME	Wesley W. Lew
SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	310-552-0130
DATE SIGNED	06/24/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 24 20:19:11 EDT 2014
TEAS STAMP	USPTO/RFR-206.169.242.254 -20140624201911611625-859 19298-5005a6d989e67588f96 fa95e11f5938364d0ade529c5 8fdfabd9a844a38ca637-N/A- N/A-20140624200252690964

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **85919298** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

EVIDENCE

Evidence in the nature of Request for Reconsideration and Receipt for Petition for Cancellation has been attached.

Original PDF file:

[evi_206169242254-200252690_. Request for Reconsideration.pdf](#)

Converted PDF file(s) (5 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

YAKUB HAZZARD

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

2049 CENTURY PARK E STE 3400

LOS ANGELES

California (CA)

US

90067-3208

Proposed:

YAKUB HAZZARD of ROBINS, KAPLAN, MILLER & CIRESI L.L.P., having an address of
2049 CENTURY PARK E STE 3400 LOS ANGELES, California 90067-3208

United States

yhazard@rkmc.com;wwlew@rkmc.com

310-552-0130

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Wesley W. Lew/ Date: 06/24/2014

Signatory's Name: Wesley W. Lew

Signatory's Position: Attorney of Record

Signatory's Phone Number: 310-552-0130

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal

territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: YAKUB HAZZARD
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
2049 CENTURY PARK E STE 3400
LOS ANGELES, California 90067-3208

Serial Number: 85919298
Internet Transmission Date: Tue Jun 24 20:19:11 EDT 2014
TEAS Stamp: USPTO/RFR-206.169.242.254-20140624201911
611625-85919298-5005a6d989e67588f96fa95e
11f5938364d0ade529c58fdfabd9a844a38ca637
-N/A-N/A-20140624200252690964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING DIVISION

In re Application of : Vesture Group, Inc.

Serial No. 85919298

Filed: April 30, 2013

Trademark: PINKY LOS ANGELES

Examining Attorney:
Ingrid C. Eulin

Law Office: 111

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

REQUEST FOR RECONSIDERATION

Vesture Group, Inc. ("Applicant") hereby submits the following request for reconsideration in response to the Office Action issued by the Examining Attorney on December 24, 2013 (the "Final Office Action"):

INTRODUCTION

On April 30, 2013, Applicant filed an application on the Principal Register seeking registration of the mark PINKY LOS ANGELES ("Applicant's Mark"). Applicant seeks to register the mark PINKY LOS ANGELES for use with goods associated with Class 25. On August 19, 2013, the Examining Attorney issued an Office Action (the "First Office Action") refusing to register Applicant's Mark because of a likelihood of confusion between Applicant's Mark and the marks shown in U.S. Registration Nos. 4232113 for the mark PINKY; 1475976 for the mark PINKY; 3820680 for the mark MISS PINKY; and 3319566 for the mark PINKEEZ ("Registered Marks"). On November 14, 2013, Applicant filed a response to the First Office Action addressing the Examining Attorney's concerns regarding the similarity of Applicant's Mark with the Registered Marks, similarity of the goods and/or services, and similarity of the trade channels of the goods and/or services supporting

the Examining Attorney's likelihood of confusion refusal. On November 15, 2013, Applicant filed a further response to the First Office Action separately addressing the Examining Attorney's additional concerns, namely to (1) disclaim LOS ANGELES apart from the Applicant's Mark, and (2) resubmit a more legible copy of the specimen.

On December 24, 2013, the Examining Attorney issued the Final Office Action. In the Final Action, the Examining Attorney noted that the substitute specimen and disclaimer were acceptable, and were entered into the record. Additionally, the likelihood of confusion refusal was withdrawn with respect to U.S. Registration Nos. 1475976 for the mark PINKY; 3820680 for the mark MISS PINKY; and 3319566 for the mark PINKEEZ and design. However, the Final Office Action made final the refusal to register Applicant's Mark under Trademark Action Section 2(d) with respect to U.S. Registration No. 4232113 for the mark PINKY.

REMARKS

Applicant does not provide any additional evidence or law in response to the Final Office Action. However, Applicant notes that it has filed a Petition for Cancellation of U.S. Registration No. 4232113 for the mark PINKY based on non-use of the mark PINKY in connection with the identified goods ("Petition for Cancellation"). See Exhibit A, attached hereto. Concurrently, Applicant notes that it will file an Appeal of the Final Office Action, i.e. the refusal to register Applicant's Mark.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that this application should be reconsidered in light of the Petition for Cancellation.

Dated: June 24, 2014

Respectfully Submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: _____

Wesley W. Lew
Attorney for Applicant

EXHIBIT A

Lew, Wesley W.

From: estta-server@uspto.gov
Sent: Tuesday, June 24, 2014 4:49 PM
To: Lew, Wesley W.
Subject: ESTTA. Petition for Cancellation. confirmation receipt ID: ESTTA611907

Petition for Cancellation.

Tracking No: ESTTA611907

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Petition for Cancellation. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov>. Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA611907
Filing date: 06/24/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name: Vesture Group, Inc.
Entity: Corporation
Citizenship: California
Address: 2220 N. Screenland Drive
Burbank, CA 91505
UNITED STATES

Attorney information:

Wesley W. Lew
Robins, Kaplan, Miller & Ciresi L.L.P.
2049 Century Park East, Suite 3400
Los Angeles, CA 90067
UNITED STATES
wwlew@rkmc.com Phone:(310)552-0130

Registration Subject to Cancellation

Registration No: 4232113
Registration Date: 10/30/2012
Registrant:
Pulse Creations, Inc.
15A Maple Drive
Port Washington, NY 11050
UNITED STATES

Goods/Services Subject for Cancellation

Class 025. First Use: 19810214 First Use In Commerce: 19810214
All goods and services in the class are cancelled, namely: Blouses, Shirts, Pants, Shorts, Jackets, Dresses, Jumpsuits, Rompers, Loungewear, and Sleepwear excluding baby, juvenile and toddler clothing and accessories

Grounds for Cancellation:

Abandonment
Trademark Act section 14

Non-use; Trademark Act section 14

Attachments:

Petition for Cancellation of 4232113 (Pinky).pdf

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Wesley W. Lew
/Wesley W. Lew/
06/24/2014